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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,610	10/28/2003	Mitchell Van Nguyen	03546	6865

7590 09/28/2007
Roy A. Ekstrand, Esq.
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3158 Redhill Ave.
Costa Mesa, CA 92626

EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,610

Applicant(s)

NGUYEN, MITCHELL VAN

Examiner

Nicholas Augustine

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed 06/28/2007. This action is made **Final**.
- B. Claims 1 and 3-10 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Keely et al. (US 6,337,698 B1), herein referred to as Keely.

As for independent claim 1, Keely teaches a pen-based computer interface system comprising: a pen-based computer having a touch sensitive display screen (figure 1), at least one input button, a stylus pen and a memory based processor having a stored operating system therein (column 3, lines 50-60; figure 5); means for causing said processor to operate in a write mode characterized by displaying the movement path of said pen upon said display screen (column 3, lines 61-67); means for causing said processor to operate in a pan mode

Art Unit: 2179

characterized by the movement of said movement path within said display screen in response to pen contact with and movement upon said display screen (column 10, lines 2-3; scroll shadow is a control, of course those skilled in the art, recognizes controls, GUI elements, buttons are all under the same category of visual cues to the user that perform a function when activated); means for operating said processor in either said write mode or said pan mode; and a single button for controlling said means for operating to allow a user to select said write mode or said second pan mode (column 3, lines 61-67; column 4, lines 1-22; column 9, lines 63-67; column 10, lines 1-31).

As for dependent claim 3, Keely teaches the interface system set forth in claim 1 wherein said button is a normally open momentary contact switch (column 4, lines 64-67; column 5, lines 1-5; switching from desired function to another desired function).

As for dependent claim 4, Keely teaches the interface system set forth in claim 3 wherein said write mode is selected when said button is open and said pan mode is selected when said button is pressed and closed (column 10, lines 1-31; user selects scroll shadow control, wherein function is closed on that particular function, when user is done control is open to user input).

Art Unit: 2179

As for independent claim 5, Keely teaches a *pen-based computer interface system comprising: a pen-based computer having a touch-sensitive display screen and stylus pen together with a processor for writing upon said display screen as said pen touches and is moved upon said display screen to create a write image and for panning said write image in response to pen contact and movement of said pen upon said display screen; a button for user selection between operations of writing or panning; means for causing said processor to implement writing in response to said button being non activated; and means for causing said processor to implement panning in response to said button being activated* (note the analysis of claim 1 above).

As for dependent claim 6, Keely teaches the interface system set forth in claim 3 wherein said pan mode is selected when said button is open and said write mode is selected when said button is pressed and closed (note the analysis of claim 4).

As for dependent claim 7, Keely teaches the interface system set forth in claim 1 wherein said button is a normally closed momentary contact switch (column 4, lines 3-22, 64-67; column 5, lines 1-5).

As for independent claim 8, Keely teaches a *pen-based computer interface system comprising: a pen-based computer having a touch-sensitive display*

Art Unit: 2179

screen and stylus pen together with a processor for writing upon said display screen as said stylus pen is moved upon said display screen to form a written image and for panning said written image in response to stylus pen contact and movement said stylus pen upon said display screen; a button for user selection between operations of writing or panning; means for causing said processor to implement writing in response to said button being activated; and means for causing said processor to implement panning in response to said button being non activated (note the analysis of claim 1 above).

As for dependent claim 9, Keely teaches the interface system set forth in claim 7 wherein said write mode is selected when said button is open closed and said pan mode is selected when said button is pressed and opened (note the analysis of claims 1 and 4 above).

As for dependent claim 10, Keely teaches the interface system set forth in claim 7 wherein said pan mode is selected when said button is open closed and said write mode is selected when said button is pressed and opened (note the analysis of claims 1 and 4 above).

(Note:)

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

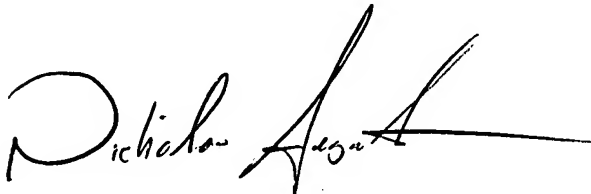
Art Unit: 2179

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

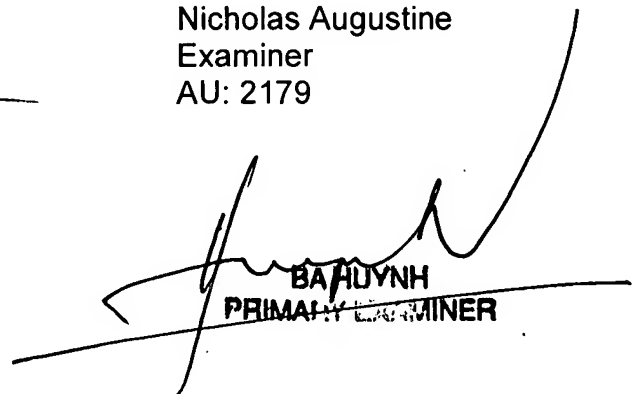
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Augustine
9/24/2007

Nicholas Augustine
Examiner
AU: 2179



BA HUYNH
PRIMARY EXAMINER